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Annotated Agenda

I. Call to Order & Orders of the Day

A. Roll Call

II. Public Record

- A. **Tessa Woodmansee:** Well I'm just not happy with what I'm hearing about the whole process of this Charter Review Commission. Our most critical issue, the climate crisis, is not being addressed. We really need to deal with that as we are in the jaws of destruction. All of the science is coming true faster than we thought. We need to get ready for it to change. We need to talk about how we are going to engineer the solutions of our future for our survival.
- B. **Blair Beekman:** Requests comprehensive subcommittee meeting minutes and audio recording. Always a debate about whether public comment is part of meeting minutes, thinks they should be.
- C. **Jeffrey Buchanan:** Wants to raise a certain comment from Commissioner Maitski: Given the wide support of moving the Mayoral Election to presidential years and given the wide range of topics to be covered; it might make sense to forward that recommendation to council earlier given the wide support and implications of that measure on the election process.
- D. **Paul Soto (from the Horseshoe):** Commentary with regard to the letter from the public, I notice a lot of organizations and individuals eviscerate the definitions of what inclusion, diversity and equity mean. It gets so frustrating. We have to get to a point where we can talk about race and the different ways that people experience this city. For the Japanese you have the internment camps, there's the Vietnamese presence here which really only dated back to 1974, they don't have the history that the Chicano does. You can't put Chicano issues on par with Vietnamese, with Japanese, with poor whites, with immigrants - these are different issues. If we are going to start using those terms we need to define the different groups and what it means to them.

III. Consent Calendar

- A. Approve Charter Review Commission Public Hearing Minutes of July 29th, 2021
- B. Receive and File Letters from the Public.
- C. **Vote on Consent Calendar**

1. Motion from Commissioner Tran
 - a) Seconded: Commissioner Marshman
2. Clerk calls the roll: Consent calendar approved

[NOTE: Move on to Old Business / New Business before study session]

IV. *Reports & Information- N/A*

V. Old Business

- A. Discussion and possible action on work plan
 1. ~~Report from the Chair~~
 2. ~~Report from the Clerk~~
 3. Update from Consultant
 - a) Timeline revisions
 - b) [Link to revised work plan](#)
 - c) October will be in person but we will be hybrid for the public; members of the Commission will need to be in person.
 4. Public Comment

(1) **Tessa Woodmansee:** Thank you for putting climate change on the agenda. We've had a whole year of dealing with politics and economics. It's unbelievable what happened in Tennessee with the flooding. The job of our politicians is to protect us from harm and that's not happening in our current political regime. We need a lot of time to get people up to speed on the problems and the need to have this in the charter. We can't leave this to the politicians. Science says we need more transformational change.

(2) **Paul Soto:** The reason I talk so much about equity and these abstract words. Last week I went to the city auditor who audits every department in the city. I said, I would like you to tell me and explain to me, where within the context of all these departments. Did you use and frame equity within the context of those policies, and then it within the departments, and then I would like you to explain to me how you balanced it. He couldn't. This is a public record. It could not do it; he said the city does not have a working definition of what equity means. This is the birthplace of three of the most powerful Mexican American movements of the 20th century below writer movement. The farmworkers movement and the Chicano movement. We should be acknowledged as an actual community, not just "people of color."

(3) **Blaire Beekman:** What I'm hoping we can soon be talking more about is these ideas of open democratic

practices, civil rights and civil protection ideas, you're addressing those things with your subcommittee meeting. Thank you for that. A reminder I don't think the ideas of development and a fast track to the mayor and large corporate entities is quite the road to sustainability that we need to be addressing, you're addressing good issues. Thank you. Just some form of how the public can be more involved with the subcommittee process can be helpful. You have certain rules that people want to follow. But there's also many rules of the Brown Act and ways to interpret the Brown Act and cities around the state. Practice subcommittee as an open public process.

5. Commissioner questions on work plan:
 - a) **Commissioner Barocio:** When we hit on the global warming topic will there be enough time to submit recommendations to the appropriate subcommittee after that?
 - (1) **Consultant:** Yes the subcommittee that is taking on that topic is the subcommittee on Policing, Municipal, Law, Accountability and Inclusion - we have those presentations on the 13th and the final recommendations for that subcommittee are not due until October 29 so there's plenty of time.
 - b) **Commissioner Matsumura:** Given the pressures to rethink our schedule, can we revisit Commissioner Maitzki's idea to fast track the recommendation around Mayoral election timing given the support for that among the Commission and Public. What would it look like to get that done?
 - (1) **Consultant:** I don't know how that would work. With the bulk of the upcoming meetings being study sessions, we'd have to talk about breaking those up. It also begs the question of whether the rest of the Voting & Elections recommendations are bundled. Would like to get a sense from the larger commission. I will defer to the Vice Chair to decide when that discussion would happen.
 - (2) **Vice Chair:** Is there a possibility of discussing that at the end?
 - (3) **Consultant:** Happy to have the discussion at the end of the meeting. Want to make sure that the Chair has an opportunity to weigh in as well. Will need to bookmark time to talk about the recommendation format aside from the recommendation itself.

~~B. Discussion and possible action on Charter Review Commission Bylaws—Deferred to 9/20.~~

VI. Study Session to be heard at 6pm

A. Study Session on Policing, Municipal Law, Accountability & Inclusion

1. 6:00 pm - Speaker

a) Brian Corr, Immediate Past President, National Association for Civilian Oversight of Law Enforcement (NACOLE)

b) [Link to Presentation](#)

2. 7:00pm - Q&A with Commissioners

a) **Commissioner Huy Tran:** Is there a case where the community tried to institute civilian oversight but something went wrong? Want to be aware of potential pitfalls

(1) **Brian Corr:** The City of Newark has a long history of uprisings (1967); throughout the decades people called for oversight. Eventually the ACLU got the Dept of Justice to come in and host an investigation. One

(2) Created the City of Newark civilian complaint Review Board and wanted it to be the strongest form of oversight ever. Immediately the City was sued by the federation of police and went to the courts for at least two years for it to go through the courts. Finally they are beginning to get their ___ back

(3) There are still some outstanding things being appealed but finally it's up and running.

b) **Commissioner Matsumura:** How to structure the leadership of a civilian oversight body itself? An individual auditor model like we have now or an auditor reporting to a Commission. What have been the lessons about alternatives to elections as a method of selection and accountability.

(1) **Mr. Corr:** Typically you have a staff with a director (like any government agency)

(a) The core of the vast majority effective oversight agencies is having permanent staff

(b) In terms of selection there are alot of options

(c) There's a certain piece that's representational, but you also want to have people that are really able to do the work that can come in with the have the right attitude all those things about understanding why we're here, but also being fair and impartial helping to shepherd the process. And then, yeah, I don't know that there's any one way I've seen me there's so many different ways in my community boards and commissions are appointed by our city manager who reports directly to city council.

(d) Look at whatever has worked in your community. That's where I would start.

c) **Commissioner Gilman:** Are they volunteer positions or paid positions?

- (1) **Mr. Corr:** In general most are not paid (some get reimbursement). It depends on your model. If you're looking at completed investigations, that can take a lot of time. For those things, the most important part is the training. You can have people from all sorts of backgrounds depending on the role and the type of training they get. Oftentimes you get people who have time to volunteer.
 - (a) You want to reflect as much as possible the diversity of the community as much as possible. (ethnicity, age, parts of community, types of interests)
 - (b) Want to have people who have the time and will do the work, which sometimes requires a stipend.
- d) **Commissioner Amador:** My question was answered.
- e) **Commissioner Fuentes:** What's the best way to include those affected by police misconduct - both victims and their families? How do we support "nothing about us without us"?
 - (1) **Mr. Corr:** I will give you my personal perspective. I believe that we do need to always hear the voices of people who have been victims of police misconduct that needs to inform our work and they may actually be on oversight boards and that, depending on how those boards are chosen.
 - (2) I want to encourage people to think about oversight outside the framework of simply misconduct and how to address it. Oversight exists because of police misconduct, and multigenerational histories of violence at the hands of police and on behalf of white supremacy.
 - (3) For us to be able to center multiple perspectives and voices, that will also include law enforcement.
 - (4) We've seen the limits of a deterrent based approach.
 - (5) I have stories from my own family. Even with those experiences I hope we can build on this and create something that's broader.
- f) **Commissioner Sanchez:** I come from the field of education and work with police officers in all kinds of situations in the schools. I feel every police officer should have a degree in psychology before getting into this field. In terms of the oversight that's been looked at, a lot of this deals with after the fact. What can be done to work more closely with police officers and unions, training programs to make sure that it doesn't get to this point? I think a lot of it has to do with the training of our police officers.
 - (1) **Mr. Corr:** Police training desperately needs to change in many places. Mike Gennaco is a big expert on this. The types of training they get and the time spent on use of force and firearm training versus de-escalation.
 - (2) Role of trauma of community members and understanding that experience can help police officers, it also helps them understand the trauma they undergo. Hurt people, hurt people. Police are trained to think of everything as a threat.

The Rhode Island case of moving from law enforcement to guardians is a step - but it needs to go further to co-creating justice with the community. Within training and the wider police culture - there is a stream of videos of officers being killed at traffic stops which leads to toxic culture. That culture is in large part driven by the fact that policing can be a highly traumatic profession. Many more officers die by suicide each year than by line of duty. If that trauma doesn't get addressed - it can be hard to solve these issues.

- (3) Potential common ground is looking at common ground of trauma, personal, community, historical - so that police officers can understand their own trauma.
- g) **Commissioner Barocio:** How does subpoena powers play into the oversight committee's powers/responsibilities? I'm rereading the goals from the slides and if the patterns are picked up, what's a better way to address the unseen cultural aspects of a police culture? How does an oversight community get to those engrained parts?
 - (1) **Mr. Corr:** Part of that is really being able to examine trainings and offering critiques and recommendations. Sometimes the trainings will come to the attention because of complaints. Can also look at broader patterns.
 - (2) People often get very focused on subpoena power thinking it will force officers to come to court and testify. They can't be compelled to testify. It can get you other witnesses and information
 - (3) Ideally, in an ordinance or in the charter, or in even Policies, there are requirements that the police organization has to cooperate and has to turn over records that they that there should be unfettered access, access to records that are relevant for investigations, but where that doesn't happen subpoenas can help.
3. 7:30pm - Speaker
 - a) Aaron Zisser, former San Jose Independent Police Auditor
 - b) [Link to Presentation](#)
4. 8:00pm - Q&A with Commissioners
 - a) **Commissioner Percival:** If we were going to design a system from scratch, there would likely be a lot of support for this, but because we're not starting from scratch we face political resistance. How would you advise us to bring in more community support, support among police and how do we address roadblocks?
 - (1) **Mr. Zisser:** Groundswell. Community voices. Bringing in a ton of people to echo what some of you are trying to do here. You should not be going at this alone, it should be informed by the community. The blue ribbon commission for the jail was a huge community-led effort and great structure and stakeholders at the table. There ought to be a robust process to bring government stakeholders to the table as non-voting members. There's no reason that we should think we're

exempt from that revision process while it happens in Santa Clara County. We need to highlight those issues. We did not look good during the George Floyd process. Examining that recent history, the longer history and where we're at now is important. We have amazing community leaders in this city and I went to the Barack Obama Boulevard inauguration, this weekend. And it was so thrilling to see the black community in particular come together at something that there's a lot of pride about to rename an important artery, through our city after someone that really inspired a lot of people. It's a community that represents only 2% of the city's population and yet has this incredibly outsized influence, and they fought for it, they meet all the time they leave Conversations the community, all the time about these issues. It's just about inviting those folks to the table and giving them the opportunity to share their stories and their views. Let's tap into this, this amazing expertise we have in a city.

- b) **Commissioner Matsumura:** Compelled by your argument about the importance and value of the REImagine Taskforce. Here we are in this commission with a short timeline and the ability to make charter recommendations. Are there particular areas you see as important to include in the Charter?

(1) **Mr. Zisser:**

- (a) Community Involvement (Commission)
- (b) Access (IG model)
- (c) Authority (vs. advisory)

I was trying to focus on a few key items. Retain the authority that we already have; make sure that authority translates with the commission; having, you know I think those are those are the big ones.

- c) **Commissioner Huy Tran:** Do you know the difference between the oversight office in Oakland vs. San José.
- (1) **Mr. Zisser:** The investigative agency has 12 people which is severely understaffed. Once the IG is established we will have 4-5 people which is adequate to function. the commission itself in Oakland has their own chief of staff, separate staffer high level staffer which is a large resource itself:
- d) **Commissioner Huy Tran:** Do you believe the Commission can be structured in a way that avoids politicization?
- (1) **Mr. Zisser:** The Oakland Commission does great work and doesn't always get as much attention as I'd think they would. The Selection process is different as I described it from certainly what happens with the Planning Commission, which is the appointments are made by individual council members as I understand it. The Commission in Oakland again operates differently, where just under half are appointed by the mayor and the rest are appointed by a community panel. It is less political in that sense.

- (2) I can't imagine that having a commission wouldn't address some of that politicisation.
- e) **Commissioner Fuentes:** I personally commit that we will do everything possible to follow your advice to ensure we make recommendations that help our city.
- f) **Commissioner Barocio:** Can you speak to the subpoena power element to any citizen oversight model? In your experience what are the pros and cons?
- (1) **Mr. Zisser:** Mike Gennaco can answer this question better than anyone. I encourage you to direct that question to him. Subpoena authority is really important in a county structure, because the sheriff's office is independent from the county board of supervisors. And so you may need cross jurisdictional sort of authority to access records and so forth. Within a unitary city structure. You should not need another agency having access to its own records.
- (2) The Oakland Commission has its own Counsel and so does my organization and we get legal advice on these types of things. That's a way to avoid conflict of interest between the city and the Commission.
- (3) I think it's a distraction and beside the point.
- g) **Commissioner Gilman:** I'm concerned about the level of staffing we have today and our ability to attract and retain top talent. It appeared to me that over the last year, particularly with the protests that occurred downtown, that, frankly, the police department got a lot of unfair press, from my perspective. How do we balance a commission, with the need to keep morale up and retain and attract top quality personnel?
- (1) **Mr. Zisser:** I have to respectfully disagree, I think San Jose didn't get enough bad press for the handling of the protests, and if there had been more of an oversight structure there would be more opportunity to highlight what went wrong instead of letting it get brushed under the carpet.
- h) **Commissioner Segol:** Why is the Reimagine Commission only allowed to exist for six months>
- (1) **Mr. Zisser:** I do not know. It's a temporary task force tasked with making recommendations about changing practices, policies and practices in terms of policing and alternatives to policing it's not supposed to go on ad nauseum. There's a real sense of urgency amid the delays. I hope they will have authority to ask for an extension if it's needed.
5. **8:30pm - Speakers**
- a) Paul R. Parker III, Executive Officer, San Diego County Citizens' Law Enforcement Review Board (CLERB)
- b) Michael Gennaco, Principal of OIR Group and City of Davis Independent Police Auditor
6. **9:00pm - Q&A with Commissioners**
- a) N/A

B. Public Comment

1. **Tessa Woodmansee:** I just want to appreciate Aaron Zisser. It's just a sad phenomenon that went down that he got laid off. I was happy to hear about the more people in the community involved in some oversight boards. I think that's important, so that the police don't have power to undermine their regulatory capture essentially and so that was, that and the other thing I appreciate it. People that got shot in the groin at the protests and even Jake Tonka was almost missed. That was horrific just to see the corruption that I see goes on where the Mayor, and his republican valued compatriots not allowing the discussion and hiding it, suppressing dialogue. I just appreciated that Aaron said that we really needed so much more oversight and so I'm really supportive of that we get away from policing and caring community caring is very critical.
2. **Caller 5140:** I don't know if any of this is ever gonna help anything, because it's impossible with all their unions and the District Attorney's Office, everything else, which is actually hurting District Attorney's Office isn't helping anybody, but they talked about the abuse of people in the post for George Floyd event. And it was really the chickens coming home to roost because in 2016 there were a number of Trump supporters that were beaten down while San José looked on just as sheriffs in the south looked on as Klansmen brutalized African Americans. It's really strange. There was a guy who was hispanic and gay who got beat up by these counter protestors and 200 SJPD police officers stood back and did absolutely nothing. Watching San Jose PD get beat down years later was like chickens coming home to roost. It just goes to show you that nothing happens in San José. Nothing happened to Mayor Liccardo except issuing a phony apology. The same people who attacked the Trump supporters attacked the police.
3. **Paul Soto (from the Horseshoe):** I'd like to thank Andrew Zisser. I was locked up with that fiasco that happened with you and Paul Kelly and how much pleasure he had on his face when he walked into your office and put that file on your desk. And how cavallier and smug he was when he did it. So as a Salvonera chicano I know exactly what happened to you. I've been to every single Reimagining meeting. I am not walking out of the room. It is too important. The Chicano community has their own George Floyd and his name is Dany Trevino. He was a black beret in the 1970s and was murdered inside his vehicle because of his activities with the black berets. All they were doing was protecting the community with an organization called CAP - Community Against Policing. I have all the documents and posters from the Danny Treviño protests. Chicano history must be centered with the context of these conversations. Potter versus Brown - the

first time I went to juvenile hall was because of a program called TABS - that's how I got into the system.

4. **Jesilyn Faust:** I'm really disappointed in the attitude of some of the people on the commission, specifically Tobin Gilman. It's obviously you don't care and aren't interested in this. For the public to see you like this, you should be embarrassed. I don't know why you are on the Charter Review commission but we are going to find out and have you removed. You should absolutely not be a part of this Charter Review Commission. I was really glad to hear that the commission is thinking about this and taking this under discussion. I'm really concerned about whether the people on this commission are qualified to do this. I would ask you to remember that you are appointed to represent the community. Our community is not ok with the actions of San José police who have already killed an unarmed man this year. I was there at the protest and have been shot at and have watched them fire rubber bullets into crowds full of children.
5. **Blair Beekman:** It was very nicely mentioned a question was asked, Is there a way to continue the reimagine Task Force committee that's restarted again past six months, can we can we let it go and definitely or maybe a year perhaps at the community meeting today committee. There's going to be an upcoming Community Economic task force committee that's going to invite basically the whole community. It's probably based on ideas from this group, and it's going to, you know, some white schools, it's going to buy businesses and what are we going to do about our economic future in this era of coded within San Jose. I want to thank Aaron Zisser and the first speaker spoke about ideas of, you know, we're going from warrior police to Guardian police to just being a part of the public process, that is that is the step I think we're all considering and hoping right now I think we're moving reimagine past the ideas of no we cannot do that too well it is practical and kind of nice and it's good ideals. Let's really move forward into that now we're starting to do it let's do that. And I wanted to thank Aaron Zisser overall. It's just really nice to hear him.
6. **Police Accountability Now:** I want to thank Aaron for pushing back on the remarks of Commissioner Tobin over the fact that the police did not get enough bad press about their response to the George Floyd protests. As a member of the activist community I experienced firsthand the brutal response by SJPd and 100% agree and support that statement. I want to point out that in regards to those protests when we finally do get accountability and transparency it's accompanied by a bunch of Copaganda which is not helpful. I don't need complaining to tell me exactly what I'm witnessin with a video.

Transparency is supposed to come with objectivity. All I need is the videos and I can make my own decisions.

VII. [Added] Discussion on previous item about moving the Timing of Elections recommendation

- A. **Commissioner Fuentes:** We said at several meetings we'd like to look at our schedule and timeline to give us more time to do our work correctly. Especially after tonight and hearing so much good information - I hope we don't have to rush our work.
- B. **Commissioner Marshman:** I suggested trying to do this particular issue early and was told that it was way too early. I think this is fairly clear and the only reservation is what debate there is about what to do with the term arrangement. I think getting that to Council will take some of the weight off of other more difficult debates.
- C. **Commissioner Percival:** While this issue can stand by itself, members of the community may want to think about that proposal in the context of future discussions on the strong Mayor. If there was a strong mayor proposal many could argue that it becomes even more important to have the timing moved to a presidential year. Would like to hear a little more about how this would move forward in terms of the debate.
- D. **Commissioner Diep:** I think sending it to the Council is doable but we need to get clear about the nature of provisional recommendations. That can be moved to Council through a letter. What the council needs time on is to send the recommendation to the Board of Supervisors with the registrar of voters to become a ballot measure by March 3.
- E. **Commissioner Percival:** Another reason to move this forward early would be to give candidates who pledge to run for office a heads up so they know which kind of campaign to run.
- F. **Commissioner Callender:** Asks for clarity on what's being discussed.
- G. **Commissioner Callender:** I'd love to move these items along so that we can put our time and attention into what's remaining.
- H. **Vice Chair Johnson:** Do I hear a motion to add this to the Consent Calendar.
- I. **Commissioner Callender:** Defers to Commissioner Matsumura
- J. **Commissioner Matsumura:** It sounds like there is enough interest in this approach that it would be valuable to do. If the subcommittee on Elections could work with the Consultant and City Attorney to bring back a recommendation to commissioners next meeting about how we would go about submitting the recommendation earlier.
- K. **Commissioner Maitski:** Would the Council get mad at us for asking the question, and would it be best to test the waters informally first? Perhaps the Chair could reach out in the next few weeks.
- L. **Commissioner Fuentes:** I think what we should try and do is give the Commission directives then , not getting them done sooner than they are due but ensuring we get them in and asking for more time on the additional

subcommittee areas. I would hope to see a motion to fulfill the deadlines of a few directives and at the same time have more time to do everything else on our plate.

- M. **City Clerk:** The Timeline we shared with you does take that into consideration. It's not rushing a timeline its, here is a schedule and if we add extra meetings we can still get all of those done by a final deadline that gives the Council time to have public hearings and discuss. That's what this timeline is designed to do.
- N. **Commissioner Marshman:** I think getting this ready to go is what would be more important to me to get one thing solid for us. We can hold it and turn it all at the same time.
- O. **Commissioner Matsumura:** A motion to bring back what it would look like to move this forward as a letter to Council on an earlier timeline
 - 1. Seconded by Commissioner Callender
- P. **Commissioner Huy Tran:** Is this being sent back to the Voting & Elections subcommittee?
- Q. **Commissioner Matsumura:** It's a request to have the information about what this would entail by the next meeting. Lawrence & the City Attorney were the people that should be involved to make that happen.
- R. **Commissioner Huy Tran:** If this motion passes does our subcommittee need to finalize the language and present a letter draft for next steps?
 - 1. **Consultant:** I don't think so. I'm hearing this motion as a request for information about how this recommendation could be moved forward early and the legal implications.
- S. **Vote on the Motion:**
 - 1. Clerk takes roll
 - 2. Motion Passes

VIII. New Business

- A. *Governance Structure Subcommittee Recommendations--Deferred to September 20, 2021.*
- B. **Subcommittee Reports - discussion and possible action**
 - 1. Are there any questions subcommittees have for each other?
 - a) **Commissioner Segol:** There's an ambiguity in the term incumbent mayor. Would you be amenable to defining the term incumbent mayor to either Include or exclude the current Mayor Sam Liccardo.
 - (1) **Commissioner Percival:** We'll have a Mayoral election in 2022. Mayor Liccardo will be at that point termed out of office and he will not be able to run again under current policy. The proposal that we put forward, would not allow Mayor Liccardo to run again if he served two to four year terms. So the incumbent in reference in the 2024 election, would be the person who is elected in

2022 beginning to serve in 2023, and would serve a two year term. That person whoever that is would be the incumbent mayor they would be able then to run for a new full four year term in 2024. That would run until 2028. They would then be able to run for reelection again to serve a second full year term. If they're successful and getting reelected. They would then serve, you know, an additional four years so for the potential, the potential This is not by any means a guarantee they would have to win election. Two times, actually three times, 2022 2024, and 2028. They could serve a total of 10 years. Right, so the incumbent that we're talking about is someone who is currently not an office. It's not, it's not merely Carter, it would be whoever wins in 2022 and as an office at that time in 2024.

- (2) **Commissioner Segol:** There is a concern about the concept of the provisional ballot. If the amendment passes, then that person could in theory be an incumbent mayor, because they ran provisionally. That's why Mark the City Attorney and I had this discussion.
- (3) **Commissioner Percival:** There is legal language that could clarify that.
- (4) **City Attorney:** I think your specification or your clarification is sufficient and the way that I had envisioned drafting this would be that setup where whoever was the candidate in 2024, they would be considered the incumbent. City we would make that very clear that the person who hold in the office of Mayor as the incumbent whose turn began in January 1 2023, that would be the person who would be eligible to run for an additional successive of four year terms, if somebody were to give the current mayor whether or not he wanted it, an opportunity to run again, the ballot measure would have to create some sort of mechanism for him to even qualify for the ballot, because he can't functionally qualify for the balance under the current Charter rules because he is termed out. In the city of San Jose the way our term limits work is that it prohibits two successive four year terms. But council members who have a break, can run again and serve another four year term so long as it's not successive to the previous term. So, I just wanted to clarify that we couldn't

prevent Mayor Liccardo from running in 2024 if he still wanted to because he would be out of office and he would be running for a new four year term in 2024.

- (5) **Commissioner Tran:** Generally speaking when you're talking about term limits it just limits successive terms not non-successive terms.

b) Public Comment

- (1) **Paul Soto:** My concern is language that is being used. There's a particular document in the supplemental reports that it's centering some kind of standard that so much Mayfair had come up with, and that the standard is being applied, like a template to different policy measures. It's almost unfair a non elected political arm that is influencing the context in which people function in live here in San Jose that is getting like millions of dollars a grant money funnel or are they really just a nonprofit, because the for a 501(c)3 to qualify for it, you cannot participate in political processes. You can't do it. Yet they are openly being acknowledged as a document that they produced and it's been used as a template. So, I mean, this is the kind of corruption that's going on with the relationships that these nonprofits are having with the politicians. Jeff brings up that issue with the voting. That is a circumvention of the democratic process, right there. Then Commissioner Matsumura brings it up. And then, Commissioner Callender brings it up.
- (2) **Tessa Woodmansee:** I definitely feel that the subcommittee should be open to the public. Berkeley's subcommittees are open, we should follow their lead. It's so important because so much more information is covered in subcommittee meetings. We need to see what's really going on behind the scenes, who's making the decisions, what the problems are, because this is a deciding body. I mean not deciding because the council makes the final decision but the recommended body.
- (3) **Caller 5140:** We don't need a strong mayor. Sam was bad enough on the gun grabbing and wants you to show papers now to get into a closed event. Next is going to be bars and restaurants, before you know it's going to be the grocery store. This guy wants you to probably get vaccinated and sit in your house for the rest of your life. He's a weak mayor, and he does

horrible things, I mean he ever tried driving around these bike lanes, these are because of him. Road diets because of him. I used to think the city manager's government was bad, it's not good. There's other forms that are better. Keep the mayor, the way it is. If Mayor Liccardo was any stronger he'd have me arrested.

- (4) **Blair Beekman:** Thank you for Tess's words about how the sub committee process can be a more open public process. There should be good ground rules that can allow us to interpret the subcommittee process as we would like it to be as an open place. Thank you for your words about Berkeley, I think it's fairly accurate. the first speaker tonight in his great hour long talk. He also talked about, what do we want to expect of ourselves in the next five years and the next 10 years of ourselves, what are we doing this for. I think we have to make an effort to make the kind of stuff open and available and understandable to people. We don't do that enough anymore I don't think, and I think it's a really interesting way to work. I think it offers a kind of image and pictures and ideas and ideals of what we can expect of ourselves. that's the stuff that people really need at this time we all need that hope and idealism of what reimagine and equity and open democratic practices can offer, which is what you guys were we're voting on a few minutes ago that I question, should you have possibly had public comments before voting on that issue, something to consider. We got to really consider you know if we're going to do this good practices, what the next step after voting for this is how do we learn to vote everyday people into office, how can they have a chance to be voted into office and to run for office in San Jose that has to be the other part of this new measure you're bringing to the council soon, what are we going to do about our future.

IX. Public Comment (Open Forum)

- A. Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.
1. Paul Soto: I'm going to challenge you on that one Tony and I would like you to go back and review it, and the order was that we spoke after Jeff spoke because all of these people have marching orders. Jeff was the one that spoke first and then public comment was put on

those issues and then Matsumura brought it up. What Lawrence did was make time at the end, like it was an agenda item. But it was not. Commissioner Callender caught it and what that tells me is that there is a consciousness of guilt. These relationships are being corrupted. The reason I stay at all of these meetings all the time is in honor of the Chicano lives that were lost when the pesticides were sprayed on the fields of Sal Sipuedes.

2. **Tessa Woodmansee:** The biggest issue we face is our climate crisis. We need to have it in our charter. When they were talking about 2022 where republican Deb Davis is running. We could have her as a Mayor for 10 years and when we make these changes it can be harmful to democracy because it's not uncommon that the incumbent wins. Because of the critical steps we need to aggressively take to take our fossil fuel and cement emissions down. If cement emissions were a country it would be the 3rd highest emitter in the world. We need to consider whether it's right to change the Mayoral election with so many critical years coming up. We need to be doing transformational changes and bringing us back to clothing, food and shelter. No driving, no flying, no movement of goods.
3. **Caller 5140:** All the city council is trying to do is maximize taxes and fees. There is no shortage of cops hiding on the corner with a radar gun. Fire the whole police force. They are snooty snobby cops making million dollar salaries. Can you imagine people visiting here? This place is terrible. This city needs new management and new everything.
4. **Blair Beekman:** I'm for the election process being moved to 2024 but you really have to have some guidelines and good practices towards what the future of the election process in San Jose can be and how the everyday community can really take part in it and what sort of new practices can develop out of that. It has to be hopefully a part of this approval process that you're bringing to the council coming up. You are thinking about it so I hope you can continue those efforts. Thank you. Aaron Zisser, he just really proved tonight he was third. After two other previous IPAs you really set up a really good concept, but there were a bit on the government side and bureaucratic and strong with that position. He really seemed like the guy who could really walk us through the good practices of the first previous two IPAs and make it a more community effort. I think we really have to consider open democracy in the next decade as our hopeful cause and ideas of how to consider oversight and how to consider community practices in our future. It's not just equity it's not just reimagined as important as great they can be. It's also open democracy that can provide, you know, civil rights ideas and Civil Protection ideas oversight for the

government, so we don't go through this stuff so we don't go through the 9/11 stuff again. The community is coming on strong, let's figure out ways of good democracy.

X. **Meeting Schedule and Agenda Items**

- A. The next scheduled meeting of the Charter Review Commission is September 9, 2021 at 5:30 p.m. via virtual meeting.

XI. **Adjournment**